

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JERRY J. DUWENHOEGGER, SR.,

CIVIL NO. 09-2874 (PJS/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated March 11, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is DENIED;
2. Petitioner's application for leave to proceed in forma pauperis, (Docket No. 2), is DENIED; and
3. This action is DISMISSED WITH PREJUDICE.

Dated: 04/05/10

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge